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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NUBIA PETERS,

Plaintiff,

-against-

CBS VIACOM,

Defendant.

22-CV-6287 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff brought this *pro se* action against CBS Viacom on July 24, 2022, *see* Compl., Dkt. 2;

WHEREAS the service package was hand-delivered to the U.S. Marshals to effectuate service on Defendant pursuant to Fed. R. Civ. P. 4(c)(3), *see* Dkt. 5;

WHEREAS the U.S. Marshals attempted service on November 1, 2022, but CBS Viacom would not accept service at the address originally provided, *see* Dkt. 10;

WHEREAS the U.S. Marshals were advised to attempt service on CBS Viacom at 80 State Street in Albany, New York, *see id.*;

WHEREAS the U.S. Marshals informed the Court that the Marshals spoke with Plaintiff and advised her to submit an amended summons and complaint in order to serve CBS Viacom at the Albany address;

WHEREAS the Court *sua sponte* extended Plaintiff's deadline to effectuate service to December 9, 2022, *see* Dkt. 11; and

WHEREAS to-date, Plaintiff has not yet submitted an amended summons and complaint, nor has Defendant been properly served.

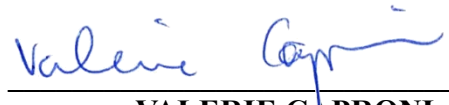
WHEREAS on January 6, 2023 the Court extended Plaintiff's deadline to effect service *sua sponte* to January 31, 2023, or else show cause why the case should not be dismissed for failure to prosecute, Dkt. 13; and

WHEREAS Plaintiff has not responded to the Court's January 6, 2023 order.

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice for failure to prosecute. The Clerk of Court is respectfully directed to mail a copy of this order to Plaintiff and note the mailing on the docket.

**SO ORDERED.**

**Date: February 7, 2023  
New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**